

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest	)	MEMORANDUM DECISION
of M.L. and D.L., persons	)	(Not For Official Publication)
under eighteen years of age.	)	
_____	)	Case No. 20060196-CA
	)	
A.L.,	)	F I L E D
	)	(April 20, 2006)
Appellant,	)	
	)	2006 UT App 164
v.	)	
	)	
State of Utah,	)	
	)	
Appellee.	)	

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Second District Juvenile, Ogden Department, 458049  
The Honorable J. Mark Andrus

Attorneys: Randall W. Richards and Sharon S. Sipes, Ogden, for  
Appellant  
Mark L. Shurtleff and John M. Peterson, Salt Lake  
City, for Appellee  
Martha Pierce and Cynthia Havliceck, Salt Lake City,  
Guardians Ad Litem

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Before Judges Davis, McHugh, and Orme.

PER CURIAM:

A.L. (Father) appeals the termination of his parental rights in his children M.L. and D.L. He asserts that the trial court erred when it found that termination of his parental rights was in the best interests of the children.<sup>1</sup>

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<sup>1</sup>Father presents a single issue in his petition, challenging the determination of best interests. However, in the body of his argument, he tangentially asserts there was insufficient evidence to support the determination of unfitness. Although not sufficiently developed as an issue, we have reviewed the record and found sufficient evidence to support grounds for termination of Father's parental rights.

A juvenile court's findings of fact will not be overturned unless clearly erroneous. See In re E.R., 2001 UT App 66, ¶11, 21 P.3d 680. A finding of fact is clearly erroneous only when, in light of the evidence supporting the finding, it is against the clear weight of the evidence. See id. Additionally, a juvenile court has broad discretion regarding judgments, based on the juvenile court's specialized experience and training, as well as the ability to judge credibility firsthand. See id. So, in reviewing an order terminating parental rights, this court "will not disturb the juvenile court's findings and conclusions unless the evidence clearly preponderates against the findings as made or the court has abused its discretion." In re R.A.J., 1999 UT App 329, ¶6, 991 P.2d 1118.

Father argues that the State did not show it was in the best interests of the children to terminate his parental rights because, with time, he may be able to parent his children. However, Father was not entitled to an indeterminate time to attempt to become a fit parent for the children. Both children were under three years old when they were first removed. Under Utah Code section 78-3a-311, which provides for reunification services and permanency procedures, children under three have an expedited timeline for permanency. See Utah Code Ann. § 78-3a-311(2)(g) (Supp. 2005). If a child is under three years of age when initially removed, a permanency hearing is to be held eight months after the removal. See id. Additionally, for children under three, if returning the child home is not possible, the permanency plan "shall be adoption." Utah Code Ann. § 62A-4a-205(8)(a) (Supp. 2005). Here, the children could not be returned home after eight months of services, and thus, the permanency goal became adoption.

Furthermore, there was sufficient evidence for the juvenile court to find that termination of parental rights was in the best interests of the children. The evidence supported that the children had bonded with their new family even after only a few months. The children had overcome developmental delays while in their new home and were entering therapy for other issues. The foster parents desired to adopt them and make them a permanent part of the family. Moreover, the younger child essentially never knew Father, and even the older child did not ask about Father. There was testimony that disrupting the children and returning them to Father would be harmful to the children because of the instability they had already encountered. The children needed stability and were placed in a home that could provide it. In sum, the juvenile court did not err in determining that termination of Father's parental rights was in the children's best interests.

Accordingly, the termination of Father's parental rights is affirmed.

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James Z. Davis, Judge

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Carolyn B. McHugh, Judge

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Gregory K. Orme, Judge